



State Water Resources Control Board



Terry Tamminen
Secretary for
Environmental
Protection

Executive Office

Arthur G. Baggett Jr., Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.swrcb.ca.gov>

Arnold Schwarzenegger
Governor

MAR 30 2004

Mr. Andrew J. Rosenau
Chief, Regulatory Branch
Department of the Army
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Dear Mr. Rosenau:

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION: REGIONAL GENERAL PERMIT 60 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS (RGP 60) (CORPS FILE NUMBER 19970052)

This Order responds to your February 23, 2004 request for Clean Water Act section 401 Water Quality Certification for the U.S. Army Corps of Engineers (USCOE), Sacramento District re-issuance of RGP 60 (Enclosure 1). This certification is intended to streamline the approval process for dredge and fill activities necessary to prevent or mitigate an emergency.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | |
| <input checked="" type="checkbox"/> Order for Technically-Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |
| <input type="checkbox"/> Order for Denial of Certification | |

STANDARD CONDITIONS:

- 1 This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR).
- 2 This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

California Environmental Protection Agency



3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

1. This certification is limited to emergency actions that meet the California Environmental Quality Act (CEQA) definition of "emergency" and are exempt from CEQA requirements. Under CEQA, California Public Resources Code, Division 13, section 21060.3, an "emergency" is defined to be:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

2. Emergency projects exempt from the requirements of CEQA are defined by CCR Title 14 (CEQA Guidelines), section 15269 as:

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant of the California Emergency Services Act, commencing with section 8550 of the Government Code.

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the projects is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highway designated as official State scenic highways, nor any project undertaken, carried out, or approved by public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(e) Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

3. Permitted activities shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters, as adopted in the Water Quality Control Plan (Basin Plan) of a Regional Water Quality Control Board (RWQCB) or in a Statewide Plan adopted by the State Water Resources Control Board (SWRCB).
4. Simultaneous with submittal to USCOE, permittees shall transmit copies of (a) the "Construction Notification" required by RGP 60 General Condition No. 1 (Notification), and (b) the "Post-Project Construction Final Report" required by Condition No. 28 (Post-Project Reports) to the SWRCB and the appropriate RWQCB(s), addressed as:

Program Manager
 401 Water Quality Certification Program
 Division of Water Quality
 State Water Resources Control Board
 P.O. Box 100
 Sacramento CA 95812-0100

Program Manager
 401 Water Quality Certification Program
 (Address of appropriate RWQCB(s))

The applicant shall provide a fee of \$60 for review and processing of the notice in accordance with CCR Title 23, section 2200. If the applicant is not contacted by the RWQCB within 30 days of the postmarked date of the "Construction Notification," the applicant may assume that the project meets the conditions of this certification order and may proceed with the project.

5. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species or the habitat of such a species unless the activity is authorized by the Department of Fish and Game (DFG) pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

WATER QUALITY CERTIFICATION:

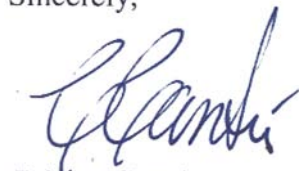
I hereby issue an order certifying that any discharge from activities authorized by RGP 60 will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements (GWDR) for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. This GWDR can be accessed at <http://www.swrcb.ca.gov/cwa401/index.html>.

MAR 30 2004

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the applicants' project description (Enclosure 2) and the enclosed Project Information Sheet (Enclosure 3).

If you have any questions, please contact Ruben A. Guieb, Environmental Scientist, at (916) 341-5464 or email: guier@swrcb.ca.gov. You may also call Oscar Balaguer, Chief of the Water Quality Certification Unit, at (916) 341-5485 or balao@dwq.swrcb.ca.gov.

Sincerely,



Celeste Cantú
Executive Director

Enclosures (3)

cc: Mr. Glen Gentry
Nevada Division of Environmental Protection
Bureau of Water Quality Planning
333 West Nye Lane, Suite 138
Carson City, Nevada 89706-0851

Mr. Tim Vendlinski
Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

ENCLOSURE 1

February 23, 2004

Regulatory Branch (199700652)


Oscar Balaguer
Chief, Water Quality Certifications Unit
California State Water Resources Control Board
1001 I Street
Sacramento, California 95812-0100

Dear Mr. Balaguer:

We are requesting Water Quality Certification, under Section 401 of the Clean Water Act, for our proposed Regional General Permit Number 60 for Repair and Protection Activities in Emergency Situations. A copy of our final draft permit is enclosed. This permit would apply in waters of the United States within those portions of the State of California within the boundaries of the Sacramento District. We previously issued a similar permit in January 1998 with water quality certification. We have changed the format of this permit to follow similar permits issued by our San Francisco and Los Angeles Districts. We would like to issue the final permit as soon as possible so it may apply in the event of any flooding or other events this year and appreciate any effort you make to expedite your response.

Thank you for your consideration. Please refer to identification number 199700652 in correspondence concerning this project. If you have any questions, please contact Michael Finan at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, or email Michael.C.Finan@usace.army.mil, or telephone 916-557-5324. You may also use the Regulatory Permits link on our website: www.spk.usace.army.mil.

Sincerely,


Andrew J. Rosenau
Chief, Regulatory Branch

Enclosure(s)

Copy furnished without enclosure(s):

Tim Vendlinski, U.S. Environmental Protection Agency, Region IX, Wetlands Regulatory
Office (WTR-8), 75 Hawthorne Street, San Francisco, California 94105
Glen Gentry, Nevada Division of Environmental Protection, Bureau of Water Quality
Planning, 333 West Nye Lane, Suite 138, Carson City, Nevada 89706-0851

DRAFT
DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT NUMBER 60
FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

NUMBER: Regional Permit Number 60 199700652

ISSUED BY: U.S. Army Engineer District, Sacramento, Corps of Engineers, 1325 "J" Street, Sacramento, California 95814-2922

EXPIRATION: March 1, 2009

PERMITTEE: General public

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

After you receive written verification for your project under this RGP from this office, you are authorized to perform that work in accordance with the terms and conditions and any project specific conditions specified below.

DESCRIPTION: This Regional General Permit (RGP) authorizes discharges of dredged or fill material and/or work or structures in waters of the United States, including wetlands, for necessary repair and protection measures associated with an emergency situation. An "emergency situation" is where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).

LOCATION: Within those parts of the State of California within the boundaries of the Sacramento District Regulatory Branch, as shown on the attached drawing, and the State of Nevada

PERMIT CONDITIONS:

1. Notification: You must notify the office identified on the attached list, in writing and as early as possible, and shall not begin the activity until notified by this office that the activity may proceed under the authority of this RGP.

a. Contents of Notification: Your notification must include the following information:

- 1 The name, address, telephone number (and e-mail address,

if available of the applicant and any designated agent; and

(2) The location of the proposed project. This should include identification of the affected water(s) and the latitude and longitude of the site. The project boundaries should be depicted on a copy of a U.S. Geologic Survey [USGS] topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the project. Detailed directions to the project site should also be provided; and

(3) A description of the nature of the imminent threat to life or property, and the proposed project's purpose and need; and

(4) A description of the work proposed to rectify the situation. This should include scaled drawings with plans and sections with approximate existing and proposed contours, showing the project area and approximate acreage and/or linear feet of potential disturbance to waters relative to the ordinary high water line and/or limit of wetlands; and other construction details, including type and quantity of materials and equipment proposed to be used for the project.

(5) A description of existing conditions at the project site. This should include anticipated environmental impacts resulting from the proposed work, including the type and extent of vegetation and/or habitat which would be disturbed or lost due to the project, and photographs showing pre-project site conditions.

(6) A description of any mitigation (avoidance, minimization and/or compensation) proposed to offset impacts to waters of the United States, and associated habitat.

(7) Information on federally listed or proposed endangered species or designated or proposed critical habitat (notification must also be provided to FWS and/or NOAA as appropriate). If the project would be in an area known to harbor Federally listed or proposed endangered species or designated or proposed critical habitat, you should include a list of measures which would be taken to minimize harm to the species and/or habitat.

Note: If you are proposing to undertake a number of separate projects at different sites, you may optionally submit a comprehensive notification providing all of the above information for each of the separate sites.

b. Form of Notification: The standard Application for Department of the Army Permit form (ENG 4345) available in "Regulatory Permits" on the District's Website at www.spk.usace.army.mil or a letter (including e-mail) may be used for notification, provided all of the information required in

Special Condition 2.a.(1 -(6) above is included

3. Agency Coordination: Upon receipt of a notification, the DE will immediately provide, by facsimile, e-mail, delivery, overnight mail or other expeditious manner, a copy of the notification package to the appropriate offices of the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS) and/or NOAA Fisheries (NOAA), the California Department of Fish and Game (CDFG) and/or the Nevada Division of Wildlife, the California State Water Resources Control Board (SWRCB) and the appropriate Regional Water Quality Control Board (RWQCB) and/or the Nevada Division of Environmental Protection (NDEP), and the State Historic Preservation Office (SHPO), as appropriate. These agencies will be requested to telephone, e-mail or facsimile to this office, as expeditiously as possible, a response indicating whether or not they intend to provide substantive, site-specific comments regarding the proposed project, and if so, when the comments will be provided. If notified that comments will be provided by an agency, we will allow a short timeframe, determined by this office on a case-by-case basis considering the nature of the emergency, to provide their comments before making a decision on the proposed project.

We will fully consider comments from Federal or State agencies, received within the specified timeframe, concerning the proposed activity's compliance with the conditions of their authority and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. We will indicate the results of that consideration in the administrative record associated with the notification and will provide an informal response to the commenting agency by e-mail, facsimile, telephone or other expeditious means.

4. Mitigation: Discharges of dredged or fill material into Waters of the United States must be avoided or minimized to the maximum extent practicable at the project site. Staging and temporary and long-term material disposal areas must be located outside of riparian and floodplain areas to the maximum extent practicable.

Compensation for unavoidable discharge of fill materials may be required as a condition of authorization. Factors that this office will consider when determining the acceptability of appropriate and practicable mitigation include the functions and values of the aquatic resource being impacted, such as habitat value, aquifer recharge, sediment conveyance or retention, flood storage, etc.; the permanence of the project's impacts on the resource; and the potential long-term effects of the action on remaining functions and values of the impacted aquatic resource.

To be practicable, the mitigation must be available and capable

of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to, reducing the size of the project, establishing wetland or upland buffer zones to protect aquatic resource values, replacing the loss of aquatic resource values by creating, restoring, or enhancing similar functions and values, or other bioremediation and other methods to offset adverse project impacts. In certain cases, applicants may consider mitigation banking, contributions to wetland trust funds or in-lieu fees to organizations such as State, County or other governmental or non-governmental natural resource management organizations, where such fees would contribute to the restoration, creation, replacement, enhancement, or preservation of aquatic resources.

5. District Engineer's Decision: In reviewing the notification for the proposed activity, this office will determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public's interest. The applicant may submit a proposed mitigation plan with the notification to expedite the process. This office will consider any mitigation the applicant has included in determining whether the net adverse environmental effects for the proposed work are minimal. In certain circumstances you may be required to develop and implement a final mitigation plan after the project is under way or completed.

If we determine the activity complies with the terms and conditions of this RGP and the adverse individual and cumulative effects are minimal, we will notify you of this determination and include any additional situation-specific conditions deemed necessary. If we determine the adverse effects of the proposed work are more than minimal, we will notify you the project does not qualify for authorization under this RGP and instruct you on the procedures to seek authorization under an individual permit or other general permit. In some cases we may verify the project is authorized under this RGP subject to you submitting a mitigation proposal that would reduce the adverse effects to a minimal level prior to any work in waters.

6. Minimal Impacts: Work authorized by this RGP must be the minimum necessary to alleviate the emergency and is generally limited to repair, rehabilitation or replacement of pre-existing structures or fills. Minor upgrades or changes in configuration may be authorized, provided bioremediation or other environmentally-sensitive methods are used and the adverse impacts of the proposed work are no more than minimal. The RGP may not be used to upgrade existing structures or fills where such work would result in more than minimal adverse effects on

the aquatic environment. Separate authorization may be required for those projects.

7. Start Work Date: Any project authorized under this RGP must be initiated within seven (7) days of receiving authorization to proceed from this office. If the repair or rehabilitation work can be delayed beyond this immediate timeframe, the situation may not be an emergency. If the project start time can be delayed for more than a week, the imminent threat is likely to have diminished in magnitude as well as immediacy. Further, this RGP may not be used to authorize long-planned-for projects, or projects that are likely to have been known to the applicant, for which a prior application was not submitted in a timely manner. An applicant's failure to apply in a timely manner for work which would have alleviated the emergency does not obligate this office to authorize work under this RGP.

8. Site Access: You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.

9. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

10. Water Quality Certification: If a conditioned Section 401 water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

For California permittees on non-tribal land: The California State Water Resources Control Board issued the attached water quality certification for this RGP on _____.

For Nevada permittees on non-tribal Land: The Nevada Division of Environmental Protection (NDEP) issued the attached water quality certification for the RGP on _____.

For permittees on tribal lands: The EPA issued the attached water quality certification for this RGP on _____.

11. Endangered Species: No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or destroy or adversely modify designated critical habitat as identified under the Federal Endangered Species Act (ESA). Authorization of an activity by the RGP does NOT authorize the "take" of a listed threatened or endangered species, as defined under the Federal ESA.

You shall notify this office if any listed or proposed species or designated or proposed critical habitat may be affected by or is in the vicinity of the project. You shall not begin work on the activity until notified by the DE that the requirements of the ESA have been satisfied and the activity is authorized. You should contact this office and/or personnel at FWS and/or NOAA Fisheries concerning the potential presence of listed or proposed species, or designated or proposed critical habitat, in the project area. In some cases the FWS and NOAA may be able to make a priori determinations that listed species are not present. Information on the location of listed or proposed threatened or endangered species and their designated or proposed critical habitat can be obtained directly from the FWS or NOAA or from their websites at: USFWS - <http://endangered.fws.gov/> and/or NOAA - http://www.nmfs.noaa.gov/prot_res/overview/es.html. In some circumstances programmatic biological opinions and incidental take statements may be applicable and use of this RGP is then subject to the permittee complying with all terms and conditions of those documents. Information on the presence of listed or proposed species at a specific project site may not be available. In such cases, the nature of the emergency may prevent an applicant from conducting the surveys necessary to make a reasonable determination. If suitable habitat occurs on the project site, the applicant may assume federally listed species or critical habitat are present and request the emergency provisions of Section 7 of the ESA be implemented.

12. Historic Properties: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized until the requirements of the National Historic Preservation Act have been satisfied. You must notify this office if the work may affect any potentially eligible historic properties and shall not begin work until notified by this office the requirements of the National Historic Preservation Act have been satisfied. Information on cultural resources may be obtained from the State Historic Preservation Offices, State Information centers and the national Register of Historic Places. Impacts to such resources must be avoided to the maximum extent practicable. If such resources are impacted because of actions related to work in waters of the United States, you shall provide a full report of the action and the impacts incurred by the resource to this office within 45 days of initiating work in waters of the United States for the action. The Corps, the SHPO and/or the Advisory Council for Historic Preservation will then jointly make a determination as to appropriate procedures and/or mitigation to be addressed. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this RGP, you must immediately notify the Corps Regulatory Branch who will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is

eligible for listing in the National Register of Historic Places

13. Erosion and Siltation Controls: Every effort must be made to ensure any material dredged or excavated from Waters of the United States is not likely to be washed back into any Waters of the United States. When feasible, erosion and siltation controls, such as siltation or turbidity curtains, sedimentation basins, and/or straw (or hay) bales or other means designed to minimize turbidity in the watercourse above background levels existing at the time of construction, shall be used and maintained in effective operating condition during construction unless conditions preclude their use, or if conditions are such that the proposed work would not increase turbidity levels above the background level existing at the time of the work. All exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or siltation.

14. Bank Stabilization: Where bank stabilization is necessary, you must use bioengineering techniques (e.g., vegetated rip-rap) to the maximum extent practicable.

15. Equipment: When feasible, heavy equipment working in wetlands must be thoroughly cleaned, free of leaks and placed on mats, or other measures such as use of wide-treaded equipment or floatation devices, taken to minimize discharges of pollutants and soil disturbance in waters.

16. Suitable Material: No unsuitable material (e.g., trash, debris, car bodies, asphalt, barrels, etc.) may be used and all materials must be free from toxic pollutants in toxic amounts. (See Section 307 of the Clean Water Act (CWA))

17. Wild and Scenic Rivers: No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while that river is in an official study status, unless the appropriate Federal agency with direct management responsibility for that river has determined in writing that the proposed activity would not adversely effect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., FWS, National Park Service, USDA Forest Service, Bureau of Land Management).

18. Aquatic Life Movements: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts placed in streams must be installed to maintain low flow conditions.

19. Shellfish Production: No discharge of dredged or fill material may occur in areas of concentrated natural or commercial shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by the Corps' Nationwide Permit (NWP) 4.

20. Spawning Areas: Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

21. Waterfowl Breeding Areas: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

22. Navigation: No activity may cause more than a minimal adverse effect on the course or capacity of a navigable water. You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expenses to the United States. No claim shall be made against the United States on account of any such removal or alteration.

23. Water Supply Intakes: No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization

24. Obstruction of High Flows: To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water except within the existing river plain (unless the primary purpose of the fill is to impound waters).

25. Adverse Effects from Impoundments: If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

26. Proper Maintenance: Any structure or fill authorized by this RGP shall be maintained, including maintenance to ensure public safety, unless it is later determined that the structure is further contributing to other adverse conditions to private or public property. In such situations, corrective measures will be taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination with

you and the appropriate Federal and State agencies. Temporary levees constructed to control flows shall not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).

27. Removal of Temporary Fills: Temporary fills shall be removed in their entirety and the affected areas returned to their pre-existing elevations and revegetated with appropriate native riparian or wetland vegetation common to the area.

28. Post-project reports: You must provide a written report to this office as soon as practicable and no later than 45 days of completing any activities under this RGP. Failure to provide timely reports following completion of the work may be considered a violation (33 CFR Part 326.4(d)) and subject to appropriate enforcement actions. These reports must include the following:

(a) The name, address, telephone number (and/or e-mail address) of the applicant, and any designated agent; and

(b) The location of the proposed project, including identification of the affected water(s) and the latitude and longitude of the site. The project boundaries must be depicted on a copy of a U.S. Geologic Survey [USGS] topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the project. Detailed directions to the project site must also be provided; and

(c) The purpose and need to retain any of the discharges, structures or other work completed in response to the emergency; and

(d) A description of work completed, including scaled drawings with plan and cross sections, showing the project area and acreage and/or linear feet of water(s) impacted, construction details, including current contours relative to the ordinary high water line and/or limit of wetlands; quantities (in cubic yards) and types of materials used; and

(e) A description of conditions at the project site, including photographs showing pre- and post-project site conditions, environmental impacts resulting from the work, including the type and extent of vegetation and/or habitat disturbed or lost and any mitigation proposed to offset those impacts. This must include the name, type (e.g., river, streambed, lake, reservoir, riparian area, seasonal wetland, etc.) and description of all temporary and permanent adverse impact(s) in acres and/or linear feet, compensatory mitigation in acres/cubic yards/linear feet, and any other mitigation (avoidance or minimization) implemented in project completion.

(f) Information on the project's effects on federally listed or proposed endangered species or designated or proposed critical habitat. Where the work may affect has the (notification must be provided to FWS and/or NOAA as appropriate) including temporary/permanent adverse impacts, mitigation measures used to minimize impacts and any compensatory mitigation to minimize harm to the species and/or habitat and provide a copy of the report to the FWS and/or the NOAA, as appropriate. If mitigation was determined to be appropriate for a specific project or group of projects, a mitigation proposal must be submitted to this office for review and approval. We will forward the report to the appropriate agencies for their review and comment.

****Note:** If you undertook a number of separate projects at separate sites, you may optionally submit a comprehensive report providing all of the above information for each of the sites.

29. Maintenance: You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

30. Transfer: If you sell the property associated with this permit, you must obtain the signature of the new owner on written documentation which includes their name, address and telephone number and confirmation they understand and will abide by all conditions of this permit, and any case-specific special conditions of verification, and forward a copy of that documentation to this office to validate transfer of this authorization.

FURTHER INFORMATION:

1. Congressional Authorities: Activities conducted under this RGP are authorized pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3.Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation: This office may reevaluate its decision on this permit, or on the verification that any particular activity qualifies for this RGP, at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you proves to have been false, incomplete, or inaccurate.

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may, in certain situations (such as those specified in 33 CFR 209.170), accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Andrew J. Rosenau, Chief,
Sacramento District Regulatory Branch
(For the District Engineer)

Date

Attachment(s)

Where to send Notification for RGP 60 projects:

- 1. For Alameda, Contra Costa, Lake, Yolo Counties and those portions of Sacramento and San Joaquin Counties within the Legal Delta to:** Chief, Delta Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, 1325 J Street, Room 1480, Sacramento, California 95814-2922; e-mail regulatory-info@usace.army.mil; (916) 557-5324; fax (916) 557-6877.
- 2. For Alpine, Amador, Calaveras, El Dorado, Fresno, Kern, Kings Madera, Mariposa, Merced, Mono, San Joaquin (outside the Legal Delta), Stanislaus, Tulare and Tuolumne Counties to:** Chief, San Joaquin Valley Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, 1325 J Street, Room 1480, Sacramento, California 95814-2922; e-mail regulatory-info@usace.army.mil; (916) 557-7772; fax (916) 557-6877.
- 3. For Butte, Colusa, Glenn, Nevada, Placer, Sierra and Yuba Counties to:** Chief, Sacramento Valley Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, 1325 J Street, Room 1480, Sacramento, California 95814-2922; e-mail regulatory-info@usace.army.mil; (916) 557-5261; fax (916) 557-6877.
- 4. For Sacramento (outside the Legal Delta) County to:** Chief, Sacramento Valley Office, Sacramento District Regulatory Branch U.S. Army Corps of Engineers, 1325 J Street, Room 1480, Sacramento, California 95814-2922; e-mail regulatory-info@usace.army.mil; (916) 557-5258; fax (916) 557-6877.
- 5. For Lassen, Modoc, Plumas, Shasta and Tehama Counties to:** Chief, Redding Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, 152 Hartnell Avenue, Redding, California 96002-1842; e-mail regulatory-info@usace.army.mil; (530) 223-9534; fax (530) 223-9539.
- 6. For the Lake Tahoe Basin and the State of Nevada, except Nye and Lincoln Counties, to:** Chief, Reno Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, C. Clifton Young Federal Building, 300 Booth Street, Room 2103, Reno, Nevada 89509-8126; e-mail regulatory-info@usace.army.mil; (775) 784-5304; fax (775) 784-5306.
- 7. For Nye and Lincoln Counties in Nevada to:** Chief, St. George Office, Sacramento District Regulatory Branch, U.S. Army Corps of Engineers, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310; e-mail regulatory-info@usace.army.mil; (435) 986-3979; fax (435) 986-3981.



PROJECT INFORMATION SHEET

1.	Applicant & Agent	U.S. Army Corps of Engineers (USCOE), Sacramento District.
2.	Project Name and Purpose	<p>Reauthorization of Regional General Permit 60 (RGP 60) for Repair and Protection Activities in Emergency Situations</p> <p>RGP 60 authorizes discharges of dredged or fill material into waters of the United States, including wetlands, and/or work or structures in navigable waters of the United States for necessary repair and protection measures associated with an emergency situation. An "emergency situation" is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).</p> <p>The previous USCOE RGP 60 was issued on January 21, 1998 and expired on January 21, 2003.</p>
6.	Receiving Water(s); Hydrologic Unit(s); Latitude/Longitude; Water Body Type(s) & Area of Filled/Excavated Waters (Acres);	RGP 60 can authorize discharges in all waters within the jurisdiction of the USCOE Sacramento District. Project-specific information will be included in the post-project reports, which will be provided to the USCOE, appropriate Regional Water Quality Control Board, and State Water Resources Control Board.
7.	Dredge Volume (CY)	
8.	Federal Permit	RGP 60
9.	Non-Compensatory Mitigation	The RGP requires avoidance and minimization to the maximum extent practicable, limits work to the minimum necessary to alleviate the immediate emergency, is not applicable where federal-listed endangered or threatened species may be jeopardized, specifies erosion control measures, and includes other management measures to limit impacts from the authorized work.
10.	Compensatory Mitigation	None. Project-specific compensation may be required in consideration of the value of impacted resources, permanence of impact, and potential long-term effects on remaining functions and values.
11.	Optional Additional Information: CEQA Compliance	The activities authorized under RGP 60 are statutorily exempt from the requirements of CEQA pursuant to Public Resources Code sections 21080[b][2]-[4].